

Response to Comments on the 2022 Draft
Phase I Medium MS4 NPDES Permit
Second Stakeholder Meeting
January 5, 2022

Page	Permit Section	Comment	Response
5	3	The commenter requested a wording change to state that if the permittee does not have an approved Stormwater Management Program (SWMP), then the permittee must comply with the permit requirements.	The current permit language clearly states that permittee must comply with the permit requirements, whether the SWMP is approved or not. No change made.
5	3	The commenter requested the language be revised to clarify whether the permittee must comply with the previous SWMP or the SWMP proposed under this permit iteration, but not yet approved by EPD.	The previous SWMP corresponds with the previous permit and is not in effect after that permit iteration expires. The purpose of the SWMP is to describe the procedures and methods the permittee will implement to comply with the permit. EPD's review of the proposed SWMP will focus on the SWMP text (i.e. ensuring the SWMP reiterates the permit requirements), the procedural documents (e.g. IDDE plan, Inspection and Maintenance procedures, complaint procedures), or supporting documents (e.g. inspection forms, logs). The permittee must comply with the permit requirements, using the procedures outlined in the SWMP. The permit language has been revised for clarification.
7	Tale 3.3.1, #1 and #2	The commenter reiterated a comment from the first stakeholder meeting regarding that "control structures" should only include detention structures and does not include catch basins, ditches, and pipes. The commenter also questioned EPD's authority to require the permittee to inspect 100% of the structures within a 5-year permit period.	The MS4 definition states that the storm sewer system is comprised of numerous conveyance systems, including catch basins, ditches and pipes. For several years, EPA has required the EPD to set specific goals in its NPDES permits. The measurable goal of inspecting 100% of the inventoried structures within the 5-year permit cycle

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			has been determined to be an attainable goal. No change made.
8	Table 3.3.1, #5	The commenter requested that the text be revised to state that existing structures requiring assessment include those designed prior to the adoption of either the Georgia Stormwater Management Manual (GSMM) or a local design manual.	The permit text has been revised to state that the assessment should only include those structures designed prior to adoption of the GSMM or an equivalent local design manual.
11	Table 3.3.2, #3	Several commenters requested a language revision to clarify that the “approved alternate method inspections” does not apply to a revised dry weather screening method, but rather to a separate method for addressing illicit discharges (e.g. staff training, increased focus on inspections of potential sources).	EPD concurs that the text should be revised to clarify the intent of the “approved alternate method inspections”.
13	Table 3.3.2, #7	The commenter requested the text requiring the permittee to conduct one activity related to the sanitary sewer system be deleted.	EPA requires that each activity include a quantifiable measurable goal. No change made.
15	Table 3.3.3, #3	The commenter requested the text be deleted stating that monitoring results from an industrial facility may be used.	The Federal regulations, 40 CFR Part 122, require the permittee to have a monitoring program for stormwater discharges from industrial facilities. By allowing the permittee to use monitoring results obtained by the industry, EPD is preventing the permittee from having to conduct the monitoring. No change made.
15-17	Part 3.3.4 Table 3.3.4, #2- #4	The commenter stated that the text “...and descriptions of how they are implemented” places a burden on those permittees that are not Local Issuing Authorities (LIA).	For those permittees that are not an LIA, the SWMP should state that the activity is performed by EPD. For those permittees that are an LIA, the SWMP should include a description of how the activity is implemented. The text does not create an additional requirement for the permittees. No change made.

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18	Table 3.3.5, #1	Several commenters stated that the requirement to include municipal facilities on the HVPS Facility inventory is redundant with the requirement to include municipal facilities on the Municipal Facility inventory required by Table 3.3.1, #6.	EPD concurs that the permit language is redundant and has deleted the requirement to include municipal facilities on the HVPS Facility inventory.
18	Table 3.3.5, #2	The commenter requested that the text “that discharge to the MS4” be reinserted into the permit.	Table 3.3.5, #1 states that the inventory should include those highly visible pollutant sources (HVPS) that discharge to the MS4. SWMP Component #2 then states that the permittee must inspect those HVPS facilities on the inventory. The text was deleted from SWMP Component #2 to prevent redundancy. No change made.
20	Part 3.3.7	The commenter reiterated a comment addressed during the first stakeholder meeting that the language be revised to allow for “an alternate plan development” in place of an Impaired Waters Plan.	As explained in response to the first stakeholder meeting comment, all permittees will be required to prepare an Impaired Waters Plan (IWP). A permittee can conduct additional monitoring to derive background levels, etc. No change made.
20	Part 3.3.7	The commenter reiterated a comment from the first stakeholder meeting requesting that enterococci be removed from the permit.	As explained in response to the first stakeholder meeting comment, EPD is in the process of changing the surface water quality criteria from fecal coliform bacteria to <i>E. coli</i> and enterococcus. The permit text has been revised to be consistent with the new criteria. No change made.
21	Part 3.3.7	The commenter expressed concern that a stream within their jurisdiction was listed on the 303(d) list for fecal coliform bacteria based on one geometric mean, while the permit requires the permittee to conduct 4 geometric means to get a stream de-listed.	EPD’s goal is to demonstrate water quality improvement over time in waters of the State. Requirements for the submission and acceptance of water quality data for use in 305(b)/303(d) listing assessments by EPD are set forth in the Rules And Regulations For Water Quality Control, Chapter 391-3-6-.03-(13). No change made.

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21	Part 3.3.7	The commenter reiterated a comment from the first stakeholder meeting expressing concern regarding the requirement to share data with another MS4 upon request. One commenter requested that EPD share the information as opposed to the permittee.	As explained in the response to the first stakeholder meeting comment, the purpose behind the requirement is for adjacent MS4s to work cooperatively to address water quality issues. No change made.
20-21	Part 3.3.7	Several commenters indicated the sampling frequency required for bacteria monitoring was burdensome.	The monitoring frequency is needed in order to obtain sufficient data to determine the water quality of the waterbody over time. This sampling frequency will allow the MS4 to identify all potential pollutant sources. In addition, the monitoring frequency is in alignment with the requirements of the issued Phase II and Phase I Large MS4 permits. No change made.
20-21	Part 3.3.7	Several commenters requested that if monitoring indicated the bacteria was from non-human sources, such as from wildlife sources, that the MS4 be allowed to use background levels to either reduce or discontinue sampling.	A permittee may discontinue impaired waters monitoring only if the impairment is removed from the 305(b)/303(d) List of Waters for the pollutant of concern. Georgia's Rules and Regulations for Water Quality Control currently contain consideration of non-human sources in the specific criteria for certain water uses for fecal coliform. However, this consideration is not being proposed with the bacteria criteria transition to <i>E. coli</i> and enterococci. EPD acknowledges that data regarding non-human sources would be of value to permittees who have an interest in implementing targeted BMPs that can reduce bacteria contamination in streams. No change made.
21-23	Part 3.3.7, 3.3.9, 3.3.10	The commenter reiterated a comment from the first stakeholder meeting expressing concern with the use of a population of >10,000 to trigger additional	As explained in response to the first stakeholder meeting comment, EPD has determined that larger communities have the resources and ability to

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		monitoring, public education and public involvement activities.	implement additional activities. The requirement to conduct the additional monitoring, and implement one additional public education activity and one additional public involvement activity is consistent with the other MS4 permits. No change made.
22	Part 3.3.8	The commenter indicated that the additional text within the employee training section removes flexibility for the permittee to train employees as they deem necessary.	The permit does require the SWMP to more fully describe the training to be provided than in the past. However, the permit text still provides flexibility for the SWMP to be written to describe various scenarios regarding possible training methods, potential topics, etc. No change made.
23	Part 3.3.9	The commenter reiterated a comment from the first stakeholder meeting expressing concern with the language stating “other activities proposed for EPD approval”, due to a delay in SWMP approval.	As explained in response to the first stakeholder meeting comment, the SWMP will contain proposed public education activities. While SWMP approval is pending, the permittee will continue to report on the activities within each annual report. Any concerns on the activity implementation will be relayed to the permittee during the annual report review. No change made.
25	3.3.11(a)(2)	Several commenters reiterated a comment from the first stakeholder meeting expressing concern with the language regarding “projects less than one acre if they are part of a larger common plan of development or sale”.	As explained in response to the first stakeholder meeting comment, development of an individual lot in a previously planned and permitted subdivision is considered new development. The lot would only need to be evaluated for post-construction standards if it met the threshold criteria of >5,000 square feet of impervious surface or land disturbance of 1 acre or more. No change made.
27	Table 3.3.11(b), #3	The commenter questioned whether the text “(e.g. Board of Education and other entities that are not covered by an NPDES Permit)” should read “MS4	EPD concurs with this statement. The text has been revised.

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		Permit”.	
28	Table 3.3.1(b), #4	The commenter expressed concern that they do not have the legal authority to inspect all structures (e.g. Port Authority) and requested language be added to address this.	The text has been revised to clarify that the permittee is only required to inspect those structures that they legally have access to inspect.
28	Table 3.3.1(b), #4	The commenter reiterated a comment from the first stakeholder meeting requesting that inspections performed by private owners of GI/LID structures be substituted for inspections performed by the MS4.	As explained in response to the first stakeholder meeting comment, the permittee can require the inspection of privately-owned structures by the owner. However, the MS4 must still conduct an inspection on 100% of the structures on the inventory within a 5-year permit period. No change made.
37	Appendix A	The commenter reiterated a comment from the first stakeholder meeting requesting that the definition of Green Infrastructure/Low Impact Development be revised to include “proprietary systems”.	The GSMM, Volume 2, includes many best management practices that are considered types of green infrastructure, with proprietary systems being one of the types. The definition has been revised to clarify that any of the practices or structures in the GSMM, Volume 2 or a local design manual can be utilized.